

REMARKS

In the Office Action mailed July 3, 2007 (hereinafter, "Office Action"), claims 1-3 stand rejected under 35 U.S.C. § 103. New claims 5- 11 have been added.

Applicants respectfully respond to the Office Action.

In response to the objection to the specification, a replacement abstract is submitted herewith.

In response to the objection to the drawings, the following comments are submitted. It is respectfully submitted that the elements are recited by claim 1, 2 and 4 are currently shown in the figures. In this regard, FIG. 2, for example, illustrates a comparator (204), an accumulator (206), a credit authorization module (210), a new sector identification module (212). Similarly, FIGs. 8B and 8B illustrate these claimed elements as well. For example, best sector identifiers (of claim 2) are shown as 824 and 874. Also, the RPC filter is shown in FIG. 7 as block 706. Accordingly, Applicants respectfully request that the objection to the drawings be withdrawn.

I. Rejection of Claims under 35 U.S.C. § 112, first paragraph

Claims 1-4 stand rejected under 35 U.S.C. § 112, first paragraph. Applicants respectfully traverse. Claim 1, as amended, clarifies how a best serving sector is determined by the apparatus as claimed.

II. Rejection of Claims under 35 U.S.C. § 112 second paragraph

Claims 1-4 stand rejected under 35 U.S.C. § under 35 U.S.C. § 112, second paragraph. Applicants respectfully traverse. Claims 4 and 8 have been amended to address the objections noted on page 3 of the Action.

III. Rejection of Claims under 35 U.S.C. § 103

Claims 1-4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,360,098 to Ganesh et al. (hereinafter, "Ganesh"). Applicants respectfully traverse.

The factual inquiries that are relevant in the determination of obviousness are determining the scope and contents of the prior art, ascertaining the differences between the prior art and the claims in issue, resolving the level of ordinary skill in the art, and evaluating evidence of secondary consideration. KSR Int'l Co. v. Teleflex Inc., 550 U.S. ___, 2007 U.S. LEXIS 4745, at **4-5 (2007) (citing Graham v. John Deere Co. of Kansas City, 383 U.S. 1, 17-18 (1966)). To establish a *prima facie* case of obviousness, the prior art references “must teach or suggest all the claim limitations.” M.P.E.P. § 2142. Moreover, the analysis in support of an obviousness rejection “should be made explicit.” KSR, 2007 U.S. LEXIS 4745, at **37. “[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” Id. (citing In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006)).

Applicants respectfully submit that the claims at issue are patentably distinct from the cited reference. The cited reference does not teach or suggest all of the subject matter in these claims. For example, new claim 5 recites inter alia:

“a comparator comparing a plurality of signal levels received from a plurality of active sectors with a signal level of a current serving sector to produce a difference;
delta generator, coupled to the comparator, for generating a delta credit for each of said plurality of active sectors based on said difference;
an accumulator, coupled to the delta generator, for accumulating a plurality of delta credits to produce an accumulated total credit; and
a best sector identifier, coupled to the accumulator, for identifying said best serving sector from said accumulated total credit.”

Support for this new claim and the claims dependent thereon may be found in Applicants’ specification, for example, pages 6, 7, 13 and 14, paragraphs [0025-0035 and 0061-0067].

Ganesh does not teach or suggest each and every limitation as claimed.

Claims 2-4 depend directly from claim 1. Accordingly, Applicants respectfully request that the rejection of claims 2-4 be withdrawn.

Claims 6-11 depends directly from claim 5. Accordingly, Applicants respectfully request that the rejection of claims 6-11 be withdrawn.

In view of the foregoing, Applicants respectfully submit that claims 1-11 are patentably distinct from the cited reference. Accordingly, Applicants respectfully request that the rejection of claims 1-11 be withdrawn.

REQUEST FOR ALLOWANCE

In view of the foregoing, Applicants submit that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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